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Elimination of racism and racial discrimination

Combating racism, racial discrimination, xenophobia and related intolerance and the comprehensive implementation of the follow-up to the Durban Declaration and Programme of Action

Note by the Secretary-General

The Secretary-General has the honour to transmit to members of the General Assembly the interim report submitted by Doudou Diène, Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia and related intolerance, pursuant to Assembly resolution 61/149.

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Interim report of the Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia and related intolerance

Summary

In this report, the Special Rapporteur describes the activities in which he participated as part of the follow-up to the World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance in the period since the sixty-first session of the General Assembly.

The activities reported upon are categorized as follows: reports submitted at the fourth and fifth sessions of the Human Rights Council, activities relating to coordination with other human rights mechanisms, participation in various meetings and conferences on themes within the Special Rapporteur's mandate, and field missions. This last section describes the Special Rapporteur's missions to Switzerland, the Russian Federation and Italy.

In all these activities, the Special Rapporteur has focused on the following principal areas: close monitoring and analysis of old and new manifestations of racism, racial discrimination and xenophobia; promotion of a dual strategy — political and legal — to combat the political, legal, economic, social, cultural and ethnic manifestations of racism, racial discrimination and xenophobia in order to eradicate the deep roots of racist culture; and promotion of the link between efforts to combat racism and xenophobia and the construction over the long term of an egalitarian, democratic and interactive multiculturalism, based on respect for the cultural diversity of national communities and the promotion of social unity.

Contents

		Paragraphs	Page
I.	Introduction	1–9	4
II.	Main observations	10–14	5
III.	Activities of the Special Rapporteur	15–63	6
	A. Reports submitted to the Human Rights Council at its fourth and fifth sessions	17–22	6
	B. Coordination with other human rights mechanisms	23–28	9
	C. Participation in various meetings and conferences	29–46	11
	D. Field missions	47–63	15
IV.	Collaboration with regional organizations	64–68	19
V.	Conclusions and recommendations	69	20

I. Introduction

1. In its resolution 61/149 of 19 December 2006 on global efforts for the total elimination of racism, racial discrimination, xenophobia and related intolerance and the comprehensive implementation of and follow-up to the Durban Declaration and Programme of Action, the General Assembly, in the light of the report of the Special Rapporteur, pronounced itself alarmed at the increase in racist violence and xenophobic ideas in many parts of the world, in political circles, in the sphere of public opinion and in society at large, as a result of the resurgent activities of associations established on the basis of racist and xenophobic platforms and charters, and the persistent use of those platforms and charters to promote or incite racist ideologies.

2. The Assembly stressed that States and international organizations have a responsibility to ensure that measures taken in the struggle against terrorism do not discriminate in purpose or effect on grounds of race, colour, descent or national or ethnic origin, and urged all States to rescind or refrain from all forms of racial profiling.

3. The Assembly reaffirmed the need to prohibit by law any advocacy of national, racial or religious hatred that constitutes incitement to discrimination, hostility or violence, and emphasized that it is the responsibility of States to adopt effective measures to combat criminal acts motivated by racism, racial discrimination, xenophobia and related intolerance, to take measures to ensure that such motivations are considered an aggravating factor for the purposes of sentencing, and to prevent those crimes from going unpunished.

4. The Assembly urged all States to review and, where necessary, revise their immigration laws, policies and practices so that they are free of racial discrimination and compatible with their obligations under international human rights instruments.

5. The Assembly condemned the misuse of print, audio-visual and electronic media, including the Internet, to incite violence motivated by racial hatred. It called upon States to take all necessary measures to combat this form of racism in accordance with the commitments that they have undertaken under the Durban Declaration and Programme of Action, in accordance with existing international and regional standards of freedom of expression and taking all necessary measures to guarantee the right to freedom of opinion and expression.

6. The Assembly recognized with deep concern the increase in anti-Semitism, Christianophobia and Islamophobia in various parts of the world, as well as the emergence of racial and violent movements based on racism and discriminatory ideas directed against Arab, Christian, Jewish and Muslim communities, as well as all religious communities, communities of people of African descent, communities of people of Asian descent, communities of indigenous people and other communities.

7. The Special Rapporteur was requested to continue giving particular attention to the negative impact of racism, racial discrimination, xenophobia and related intolerance on the full enjoyment of civil, cultural, economic, political and social rights by national or ethnic, religious and linguistic minorities, immigrant populations, asylum-seekers and refugees. The Assembly, which expressed its full

support and appreciation for the work of the Special Rapporteur, reiterated its call to all Member States, intergovernmental organizations, relevant organizations of the United Nations system and non-governmental organizations to cooperate fully with the Special Rapporteur, and called upon States to consider responding favourably to his requests for visits so as to enable him to fulfil his mandate fully and effectively. In addition, the Assembly encouraged closer collaboration between the Special Rapporteur and the Office of the United Nations High Commissioner for Human Rights, in particular the Anti-Discrimination Unit. It also requested the Secretary-General to provide the Special Rapporteur with all the necessary human and financial assistance to carry out his mandate efficiently, effectively and expeditiously and to enable him to submit an interim report to the General Assembly at its sixty-second session.

8. The Assembly invited Member States to demonstrate greater commitment to fighting racism in sport by conducting educational and awareness-raising activities and by strongly condemning the perpetrators of racist incidents, in cooperation with national and international sports organizations.

9. This report is submitted pursuant to the aforementioned resolution, whose main provisions are summarized above.

II. Main observations

10. The most serious manifestations of the regression in the campaign against racism and xenophobia are, on the one hand, the resurgence of racist and xenophobic violence, in particular its most serious expression — a "shift from words to action" — seen in the growing number of acts of physical violence and murders targeting members of ethnic, cultural or religious communities, and, on the other hand, the political normalization and democratic legitimization of racism and xenophobia, resulting in particular from the ability of political parties advocating racist and xenophobic platforms to apply these platforms through government alliances. These manifestations represent the gravest threat to democracy and human rights.

11. The decline in the political and ethical determination to combat racism and discrimination is an alarming feature of a new ideological landscape characterized by discrimination that is more complex in nature owing to the conflation of race, culture and religion. As a result, a new discourse of legitimization of racism, xenophobia and intolerance is developing. It is seen not merely in individual actions, but is becoming a social and collective practice by virtue of its use as a political, intellectual and media tool.

12. This discourse, characterized by affirmation of the immutable nature of cultural, ethnic or religious identities, reflects an isolationism that stems from the conflict between old national identities and the profound multiculturalization of societies. This gives rise to identity crises that are key to the increasingly dominant idea of "integration-assimilation", which denies the very existence of values and memories specific to national minorities and immigrants, and thus their contribution to the value system, history and, consequently, the national identity of their host countries. This approach is part of the old ideology of the hierarchy of cultures, races and civilizations, on which all subjugation of peoples and legitimization of racist culture and mentalities have historically been founded, creating fertile ground

for all old and new forms of racism and xenophobia, from anti-Semitism to Islamophobia, and serving to justify incitement to racial or religious hatred.

13. This discourse is taking a particularly serious turn with the growing expression by elites of racism and xenophobia, the major manifestations of which are based on an ethnic and racial interpretation of social, economic and political events and violent and polemic verbal responses to any expression of ethnic or religious multiculturalism in the societies in question. By its current resurgence, racism on the part of elites confirms the essential role of identity constructs both in the origin and in the development of all forms of racism, both old and new, and the urgent need to mount a real intellectual front against racism. This identity backlash on the part of elites in turn encourages racist and xenophobic platforms, strengthens the ideological and political initiative of the nationalist or extreme right-wing parties and movements that promote them, and forms part of a dangerous drift towards a clash of civilizations and religions.

14. In this context, while anchoring efforts to combat racism and xenophobia in the legal framework of human rights is a fundamental way of achieving progress and expressing the universality of those rights, it is not sufficient on its own to eliminate the root causes of discriminatory culture and mentalities. The new battlegrounds in the struggle against discrimination — identity constructs, value systems, images and perceptions — require that legal strategies to combat racism be accompanied by an ethical and cultural strategy to identify and combat the root causes of old and new manifestations of racism and xenophobia and to promote the link between efforts to combat racism and xenophobia and the construction over the long term of an egalitarian, democratic and interactive multiculturalism.

III. Activities of the Special Rapporteur

15. The Special Rapporteur's activities are underpinned by a number of considerations central to his mandate: basing national and international efforts to combat racism on the promotion and implementation of the Durban Declaration and Programme of Action; encouraging the development of effective political, legal and cultural strategies for identifying and eradicating the root causes of old and new forms of racism and xenophobia; and promoting the link between efforts to combat racism and xenophobia and the construction, over the long term, of an egalitarian, democratic and interactive multiculturalism based on respect for the cultural diversity of national communities and minorities and the promotion of interactions among these communities.

16. The Special Rapporteur's activities are categorized as follows: reports submitted to the Human Rights Council at its fourth and fifth sessions, coordination with other human rights mechanisms, participation in various meetings and conferences, racism in sports, and field missions.

A. Reports submitted to the Human Rights Council at its fourth and fifth sessions

17. The Special Rapporteur wishes to inform the General Assembly that the reports he submitted to the Human Rights Council at its fourth and fifth sessions

include a general report on contemporary forms of racism, racial discrimination, xenophobia and related intolerance (A/HRC/4/19) and an updated study on political platforms which promote or incite racial discrimination (A/HRC/5/10). The reports on his visits to Switzerland (A/HRC/4/19/Add.2), the Russian Federation (A/HRC/4/19/Add.3) and Italy (A/HRC/4/19/Add.4) are discussed in the section of the present report concerning field missions.

18. In his general report (A/HRC/4/19), the Special Rapporteur drew the Council's attention to the persistence of the following significant trends in contemporary forms of racism, racial discrimination, xenophobia and related intolerance: the resurgence of racist and xenophobic violence targeting members of ethnic, religious or cultural communities or national minorities; the criminalization of and the exclusively security-based approach to immigration, asylum and the status of foreigners and national minorities; the general increase in the defamation of religions and incitement to racial and religious hatred, particularly the resurgence of anti-Semitism and Christianophobia and, more particularly, Islamophobia; the increasing importance in identity constructs of a rejection of diversity and of the process whereby societies become multicultural, which engenders strong resistance to interaction and dialogue concerning the value system and growing intolerance towards expressions and symbols of cultural and religious diversity; and, lastly, an increase, despite the efforts of national and international sports organizations, in violent manifestations of racism in sport, especially football.

19. In this connection, the Special Rapporteur drew the Council's attention to three serious developments that tend to fuel and legitimize the resurgence of racism and xenophobia. The first development concerns the political and democratic legitimization of racist and xenophobic parties and movements, which is achieved by means of the following strategies: the electoral exploitation of the sensitive issues of identity and security, particularly in the interpretation and treatment of issues concerning immigration, asylum and the status of foreigners, which takes the form of more rigid definitions of identity, the rejection of ethnic, cultural and religious multiculturalism and the promotion, in politics and the media, of racial or ethnic interpretations of political, economic and social processes; the selective, dogmatic exploitation of freedom of expression to legitimize racist and xenophobic platforms; and the strategy of democratic legitimization of these platforms through government alliances and coalitions. The second development concerns the increase in racism among national elites, particularly the resurgence of overtly racist and xenophobic statements, commentary and publications by political, intellectual or media figures. Lastly, an especially alarming development is the rise in historical revisionism, meaning the calling into question of the truth or memory of the most serious historical manifestations of racist mass violence, such as the historical reality of the Holocaust or the attempt to dispute the characterization, inter alia by the Durban Conference, of trans-Atlantic slavery — the historical source of the intellectual construct of anti-black racism — as a crime against humanity, on the pretext that this idea did not exist at the time slavery was practised. In this regard, the Special Rapporteur underscores the importance of the historical dimension, meaning the task of remembering and respecting historical facts, in eradicating the root causes of racism, xenophobia and religious defamation. The Special Rapporteur dealt with this dimension, inter alia, in his report on his mission to Japan (E/CN.4/2006/16/Add.2).

20. In his main conclusions and recommendations, the Special Rapporteur invited the Council to remind member States of the crucial importance of political will in the refusal to trivialize racism, xenophobia and related intolerance, the rejection of their use in politics and electoral campaigns and the systematic combating of racist and xenophobic political platforms. In that spirit, he invited the Council to encourage member States to demonstrate renewed commitment to the implementation of the Durban Declaration and Programme of Action, including through the organization, in cooperation with the Office of the United Nations High Commissioner for Human Rights, of regional conferences to assess the progress of and challenges and obstacles to such implementation, following the example of the Regional Conference of the Americas held in Brasilia in July 2006, which brought together Governments, affected communities, civil society and international and regional organizations. Accordingly, he welcomes the launching by the General Assembly of the Durban Conference review process, in which he intends to participate actively. He also invited the Council to draw the attention of member States to the serious nature of the defamation of religion and to the need to counter these phenomena by strengthening interreligious and intercultural dialogue and promoting reciprocal understanding and joint action between different religions and spiritual traditions to meet the basic universal challenges of development, peace, the protection and promotion of human rights and the elimination of all forms of discrimination. Furthermore, he invited the Council to encourage member States to wage a systematic campaign against incitement to racial and religious hatred by maintaining a careful balance between the defence of freedom of expression and respect for the freedom of religion and by acknowledging and respecting the complementarity among all the freedoms contained in the International Covenant on Civil and Political Rights. Lastly, in order to prevent the resurgence of racism and xenophobia and the conflation of race, culture and religion, the Special Rapporteur reiterated his recommendation on the need to assess manifestations of racism and xenophobia accurately and to establish, to this end, within the Office of the High Commissioner, a centre for monitoring racist phenomena.

21. The report on political platforms which promote or incite racial discrimination (A/HRC/5/10) elaborates on and updates earlier reports submitted to the Commission on Human Rights (E/CN.4/2004/61, E/CN.4/2006/54) and to the General Assembly (A/59/330) on this issue. The report confirms the significant tendencies identified in the Special Rapporteur's previous reports, such as the normalization of racism, racial discrimination and xenophobia for political ends; the penetration of the racist and xenophobic political platforms of extreme right-wing parties and movements in the political agendas of democratic parties, particularly with respect to immigration, asylum and terrorism; and the growing intellectual legitimization of those platforms, as shown, inter alia, by the increasing number of so-called scientific or literary works which, on the pretext of protecting national identity and security, develop explanatory theories and concepts characterized by an ethnic or racial interpretation of social, economic and political problems.

22. In his conclusions and recommendations, the Special Rapporteur underscores the importance of strong manifestations of political will and strict ethical standards not only for combating the influence of racist and xenophobic platforms on the political agendas of democratic parties, but also for ensuring that these parties cannot gain democratic legitimacy by joining government coalitions. He also encourages the participation and representation of ethnic, cultural and religious

minorities in decision-making processes in political, cultural and economic life, with a view to ending the two primary manifestations of the discrimination they suffer: invisibility and silence. To combat incitement to racial and religious hatred by racist and xenophobic platforms, he recommends the adoption of legal, political and administrative measures to ensure the observance and complementarity of the rights guaranteed under the relevant legal instruments, particularly those concerning freedom of expression and freedom of religion. Lastly, the Special Rapporteur underscores the importance of linking efforts to combat racism, discrimination and xenophobia to the construction of a democratic, egalitarian and interactive multiculturalism based on the acknowledgement, observance and promotion of cultural, ethnic and religious diversity and the promotion of intercultural and interreligious dialogue.

B. Coordination with other human rights mechanisms

23. The Special Rapporteur strengthened his cooperation with the Anti-Discrimination Unit of the Office of the United Nations High Commissioner for Human Rights (OHCHR) by continuing the process of regular consultations begun at the outset of his mandate and by participating in a number of activities organized by the Unit.

24. Accordingly, the Special Rapporteur took part in the thematic debate "Discussion and analysis of racial profiling", held in Geneva during the sixth session of the Working Group of Experts on People of African Descent (29 January-2 February 2007). This event, which brought together international experts on the subject, dealt inter alia with the definition of racial profiling, the problem of racial profiling in the administration of justice, the human impact of racial profiling, the resurgence and increasing legitimization of this phenomenon in the context of counter-terrorism, and national and regional measures to combat racial profiling. In his statement, which concerned the meaning of racial profiling in the context of the increase in racism, the Special Rapporteur referred to issues such as the need to analyse racial, ethnic and religious profiling as a universal phenomenon, while taking into account the serious resurgence in this practice as a result of the combination, in the ideological and political aftermath of 11 September 2001, of the overemphasis on counter-terrorism at the expense of respect for human rights, on the one hand, and the conflation of race, culture and religion, on the other.

25. In addition, the Special Rapporteur participated in the high-level panel discussion "Racism and discrimination: obstacles to development", held in Geneva on 21 March 2007 to mark the International Day for the Elimination of Racial Discrimination. In his analysis of the links between racial discrimination, good governance and development, he emphasized the increase in a type of discourse based on the dominant ideology of economic development and the market, which tends to equate economic underdevelopment with cultural backwardness by attributing underdevelopment to a "failure to adapt" to modernity and the "archaic" cultures and values of developing-country societies. This discourse, which has traditionally been used in the political sphere by extreme right-wing parties and, increasingly, by supposedly democratic parties, is emblematic of the setbacks being observed in efforts to combat racism, as it signals a kind of racist return of the repressed, a reformulation of the old justification of political domination on the

grounds of the inferiority or cultural backwardness of the community that is dominated or discriminated against.

26. The Special Rapporteur also participated, at the invitation of the Anti-Discrimination Unit, in a series of activities held in Nepal with the aim of strengthening the notable field work of OHCHR in devising a long-term strategy to combat social exclusion and discrimination. Through meetings with OHCHR staff, local authorities and representatives of political parties and of civil-society organizations, as well as visits to areas whose populations are particularly prone to discrimination, the Special Rapporteur, together with the Special Rapporteur on the situation of human rights and fundamental freedoms of indigenous people and two Sub-Commission on the Promotion and Protection of Human Rights experts on discrimination based on work and descent, addressed, among other issues, the main problems of discrimination faced by traditionally marginalized communities: the deep historical, cultural and religious roots of these forms of discrimination, the political, economic and social marginalization of the populations affected, shortcomings in their access to justice and the judicial remedies available to them, and the denial of their economic, social and cultural rights. The Special Rapporteur welcomes the relevance and creativity of the OHCHR initiatives being undertaken in Nepal, which are intended in particular to raise the profile of human rights issues in the democratic political process and to promote, on the ground, interaction among stakeholders of all political persuasions. The Special Rapporteur stands ready to continue to cooperate in these endeavours, particularly if he is able, in the near future, to conduct an official visit to the country, pursuant to his request to the Government of Nepal more than two years ago.

27. The Special Rapporteur welcomes the cooperation launched with the five experts mandated by the Human Rights Council, in its resolution 1/5, to study the content and scope of the substantive gaps in the existing international instruments to combat racism, racial discrimination, xenophobia and related intolerance, and to produce, in consultation with the Special Rapporteur and other relevant mandate-holders and bodies, a base document that contains concrete recommendations on the means or avenues to bridge these gaps. Accordingly, at a meeting held in Geneva on 13 April 2007, the Special Rapporteur stressed the importance of undertaking a thorough analysis of the current political and ideological context and of the disturbing rise in racism. At the political level, he referred in particular to the trivialization of racism and xenophobia through their political and electoral exploitation, which was reflected in the pervasiveness of racist and xenophobic political platforms. At the ideological level, he emphasized that the Manichean concept of the clash of civilizations and religions was becoming increasingly widespread in the thinking and rhetoric of the political, intellectual and media elites, as manifested in the rejection of diversity and a dogmatic opposition to multiculturalism. These two significant trends ultimately result, at the legal level, in the rigid hierarchical ranking, rather than complementarity, of the freedoms guaranteed under the International Covenant on Civil and Political Rights, particularly freedom of expression and freedom of religion. In that context, he stressed the importance of making domestic legislation consistent with existing international instruments and of strengthening the national institutions responsible for implementing these instruments.

28. Lastly, the Special Rapporteur wishes to highlight the importance of his active participation in the preparations for the Durban Review Conference, to be held in

2009 to consider the implementation of the Declaration and Programme of Action of the World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance. In accordance with Human Rights Council resolution 3/2, he stands ready to share with the Preparatory Committee his observations and analyses, particularly those based on his visits and reports, concerning significant trends and contemporary forms of racism, xenophobia and related intolerance.

C. Participation in various meetings and conferences

1. Annual meeting of special procedures

29. The Special Rapporteur participated in the fourteenth annual meeting of special procedures mandate-holders, held in Geneva from 18 to 22 June 2007 to coincide with the fifth session of the Human Rights Council.

30. The Special Rapporteur endorsed the decision of the special procedures mandate-holders authorizing the Coordination Committee to draft and present to the fifteenth meeting an appropriate procedure by which the Code of Conduct for Special Procedures Mandate-holders of the Human Rights Council, adopted by the Council at its fifth session (A/HRC/5/L.3/Rev.1, annex), and other relevant documents, including the Manual of the United Nations Human Rights Special Procedures, may best be implemented to enhance the effectiveness and independence both of the special procedures system as a whole and also of individual mandate-holders.

31. In the statements he delivered, the Special Rapporteur stressed, inter alia, the following points: the profound significance of the institutional reforms introduced by the Council in the work of the special procedures for strengthening human rights; the importance, in this context, of participation by the special procedures in a process of exchange and consultation with a view to consolidating, through the enforcement of the Code of Conduct, achievements made thus far and the basic principles governing the special procedures; and the importance, to this end, of active participation by the special procedures in the universal periodic review mechanism as soon as it is set up. The Special Rapporteur has called this mechanism an historic turning point and a major stride in the promotion and protection of human rights.

32. In the margin of this meeting, the Special Rapporteur participated in a number of activities, including a discussion on the Convention on the Rights of Persons with Disabilities, in which he referred to his systematic recommendations in his recent mission reports concerning a holistic approach to combating all forms of discrimination and, to this end, the need to establish a national body for combating all forms of discrimination on grounds of race, creed, gender, age, disability or sexual preference. He also participated in consultations on possible forms of cooperation with national human rights institutions, during which he stressed the importance of these institutions in the follow-up and implementation of special procedures recommendations.

33. Additionally, the Special Rapporteur took part in an informal consultation of United Nations agencies on questions concerning minorities, which brought together a number of special procedures mandate-holders and representatives of United Nations agencies. After stressing the linkage between respect for the rights of

minorities and recognition and promotion of a democratic, egalitarian and interactive multiculturalism within societies, he highlighted the importance of a system-wide multidisciplinary approach to issues relating to the rights of minorities.

2. Resurgence of racism, racial discrimination and xenophobia

34. The resurgence of racism, racial discrimination and xenophobia and an analysis of their deep historical and cultural roots were the subject of many of the Special Rapporteur's statements. The main ones are summarized below.

35. On 27 and 28 November 2006, the Special Rapporteur participated in the Race Convention 2006 in London to mark the thirtieth anniversary of the Commission for Racial Equality. His statement was on the added challenges of globalization to combating racism. While commending the Commission's outstanding contribution to the campaign against racism in the United Kingdom, he expressed the hope that its new successor institution, the Commission for Equality and Human Rights, would accord high priority to combating racism while promoting a holistic approach to combating all forms of discrimination.

36. At the invitation of the Mayor of London, the Special Rapporteur took part in the seminar entitled "A World Civilisation or a Clash of Civilisations", held on 20 January 2007. The goal of this initiative was to consider the impact of globalization and of terrorism on the social cohesion of London. In a round table with journalists and intellectuals, he focused on intellectual and political resistance to multiculturalism, one of the underlying causes of the resurgence of racism and xenophobia.

37. From 10 to 12 May 2007 in Nuremberg, the Special Rapporteur participated in the first General Conference of the European Coalition of Cities against Racism entitled "Sharing Competence and Empowering Communities: The Role of Cities in Challenging Racism and Discrimination". Expressing particular concern over the rise in racism in the world, the Special Rapporteur noted the broad scope of the Coalition's initiative, under the aegis of the United Nations Educational, Scientific and Cultural Organization (UNESCO), to promote the campaign against racism in urban areas, the central framework for the process of ethnic, cultural and religious multiculturalism. He added that the concept of a coalition to promote dialogue among cultures and religions — the only sustainable response to racial, ethnic and religious antagonism — would prove fruitful.

38. The Special Rapporteur also participated in the fourth International Human Rights Forum on the theme "Human Rights and Children", held in Lucerne on 24 and 25 May 2007. He participated, in particular, in the work of an expert panel entitled "Children and Racism: What Can We Do?", on which he stressed two ideas that are fundamental to combating racism: the need to highlight the cultural and historical processes by which all forms of racism develop and the importance of education to multiculturalism — in school, in the media and, above all, in the family. This forum, an outstanding initiative by the Kirchschläger brothers with the active participation of such eminent personalities as Ms. Cherie Blair and international non-governmental organizations (NGOs) such as Human Rights Watch, attests to the commitment of Swiss civil society to combating racism and promoting human rights and to the quality of its work. In this connection, the Special Rapporteur regretted that a representative of the Office of the High Commissioner for Human Rights could not be present, as announced in the programme.

39. The Special Rapporteur also participated in the second "Global Inter-Media Dialogue", held in Oslo on 4 and 5 June 2007. The purpose of this initiative, launched in 2006 by the Governments of Indonesia and Norway to address the questions raised by the crisis over the caricatures of the prophet Mohammed appearing in a Danish newspaper, is to provide a forum for discussion among media executives from various cultures and civilizations, and for sharing experiences and perspectives with a view to promoting freedom of expression, tolerance and peace. In his statement, the Special Rapporteur said that the media should take the deep historical and cultural roots of racism and xenophobia, and in particular of Islamophobia, more fully into account; oppose the intellectual justification of incitement to racial and religious hatred under the guise of freedom of expression; and reflect more profoundly, from an editorial, structural and participatory standpoint, on pluralism and the multicultural dynamics of most contemporary societies. He commended the Government of Indonesia and the Government of Norway for their original and inspired initiative, which is contributing to the promotion and practice of dialogue among cultures and religions in the influential but, at times, uncertain realm of the media and to discussion on the intricate balance to be struck between freedom of expression and the freedom of religion and belief.

40. Lastly, on 13 June 2007, the Special Rapporteur participated in the Core Cities Equality and Performance Network, held in Liverpool (United Kingdom), which is organized annually by an integrated network of England's eight largest cities, after London, to discuss the role of cities in promoting social cohesion and equality. On this occasion, he discussed the importance — given the tensions over identity that have arisen out of the conflict between deep-rooted national identities and the profound multicultural process societies are undergoing — of promoting democratic, egalitarian and interactive multiculturalism initiatives in local communities. He stressed, in particular, the importance of promoting two central strategies for intercultural dialogue at the urban level: recognition of diversity and therefore the cultural, ethnic and religious specificities of different communities, and the creation of cultural, economic and social conditions (including urban development, housing, education and employment) to facilitate their interaction and their reciprocal knowledge.

3. Combating the defamation of religions and promoting tolerance

41. The Special Rapporteur wishes to draw the attention of the General Assembly to resolution 4/9 of the Human Rights Council, entitled "Combating defamation of religions", which the Council adopted on 30 March 2007 at its fourth session. In this resolution, the Council invites the Special Rapporteur to report on all manifestations of defamation of religions and in particular on the serious implications of Islamophobia on the enjoyment of all rights at its sixth session. The Special Rapporteur wishes to inform the Assembly that his report, which will focus on Islamophobia but will also examine other manifestations of the defamation of religions, in particular anti-Semitism, Christianophobia and those targeting Hinduism, Buddhism and religious and spiritual traditions of African origin, particularly Afro-American religions and traditions, will cover the following themes: the deep historical and cultural roots of the defamation of religions, its politicization and trivialization, its intellectual justification and the impact of tensions between freedom of expression and freedom of religion.

42. The Special Rapporteur participated in many debates and seminars on combating the defamation of religions and promoting tolerance, in particular the High-level Conference on Combating Discrimination and Promoting Respect and Mutual Understanding, organized by the Organization for Security and Cooperation in Europe (OSCE) in Bucharest on 7 and 8 June 2007. This Conference, which brought together delegations from participating OSCE States and NGOs, provided an opportunity to assess the impact of practical measures to combat intolerance and discrimination. In his statement, the Special Rapporteur drew participants' attention to the resurgence of Christianophobia, citing a number of cases of discrimination against Christian communities in various parts of the world. While stressing the universality of the root causes of all forms of defamation of religion, he identified certain factors peculiar to Christianophobia, in particular its deep historical roots, the assimilation and reduction of Christianity to the West, its political and historical expressions and images, and the effects of proselytization by certain evangelical movements.

4. Racism in sports

43. In his previous reports to the General Assembly, and to the former Commission on Human Rights, the Special Rapporteur devoted particular attention to the question of the resurgence of racist incidents in sports. He believes that, by virtue of its persistence, this phenomenon, which remains more than ever, a contemporary issue, particularly in the world of football, warrants extreme vigilance and close cooperation by the General Assembly, the Human Rights Council and national and international sports federations. He reiterated the need to tie sanctions and penalties for all manifestations and expressions of racism to an educational and cultural strategy and, in particular, to promoting the values of mutual respect and fair play over the nationalism and commercialism that prevail in competitive sports. In keeping with the measures adopted by the Fédération Internationale de Football Association (FIFA), all actors in the world of sports should be encouraged to take responsibility: individual athletes, directors and coaches, fans, the media and political leaders.

44. Among the most recent initiatives against racism in sports, the Special Rapporteur welcomed, in particular, the "90 minutes for Mandela" match of 18 July 2007, organized in Cape Town (South Africa) by FIFA in cooperation with the South African Football Federation, the Nelson Mandela Foundation and the International Federation of Professional Football Players. On this occasion, football stars symbolically participated in Nelson Mandela's eighty-ninth birthday celebration by voicing their strong opposition to all forms of racism in sports. The Special Rapporteur hopes that similar initiatives will be organized throughout the preparations for the 2010 World Cup in South Africa.

45. Lastly, he hailed the actions to combat racism and discrimination which the Union of European Football Associations is planning for Euro 2008 in Austria and Switzerland. He welcomed, in particular, the statements made by the Union's leaders, who stressed the unacceptability of manifestations of racism and the incitement of racial hatred and, at the same time, their desire to make Euro 2008 a showcase for combating racism in football.

46. Beyond these initiatives, the Special Rapporteur wishes to emphasize that, in the final analysis, the global struggle against racism in society will give meaning, credibility and sustainability to the eradication of racism in sports.

D. Field missions

47. The Special Rapporteur wishes to inform the General Assembly of his 2006 visits to Switzerland, the Russian Federation and Italy, on which he prepared detailed reports for the Human Rights Council.

48. He also wishes to inform the Assembly of his forthcoming visits to Estonia, Latvia and Lithuania in September 2007, and to the Dominican Republic in October 2007; the latter trip will be made jointly with the independent expert on minority issues. Exhaustive reports on these visits will be submitted to the Human Rights Council in 2008.

49. With regard to the 2008 visits, the Special Rapporteur welcomes the positive responses he has received thus far from the Government of Canada — for a follow-up visit — and the United States of America, and hopes that he will soon receive a positive official response from the Government of Mauritania, which has verbally agreed to a visit by the Special Rapporteur. Recalling that the Governments of India, Pakistan and Nepal have not yet replied to either his 2004 requests to visit or the reminders he sent in 2006, the Special Rapporteur wishes to refer here to his statement at the November 2006 session of the working group on the review of mandates of the special procedures, where he proposed that the Human Rights Council should consider imposing time limits on States' negative or positive responses to requests for special procedure visits. In the final analysis, the continued absence of a response to a visit request constitutes an objective neutralization of the most significant dimension of the special procedures mandate: a visit to the country. This practice should, in any case, weigh heavily in the universal periodic review.

1. Mission to Switzerland

50. The Special Rapporteur visited Switzerland on a mission from 9 to 13 January 2006 with the principal objective of assessing the situation of racism, racial discrimination and xenophobia, as well as the policies and measures adopted by the Swiss Government to combat these phenomena.

51. In his mission report to the Human Rights Council (A/HRC/4/19/Add.2), the Special Rapporteur came to the main conclusion that there was a dynamic of racism and xenophobia in Switzerland. In this regard, he notes that although mechanisms and institutions have been put in place by the Swiss Government to combat racism, and although officials are highly motivated, this phenomenon is not recognized at the national level and there is no coherent and resolute political and legal strategy against racism and xenophobia.

52. In his analysis, the Special Rapporteur notes that this dynamic stems primarily from the existence of deep-rooted cultural resistance within Swiss society to the multiculturalization process, particularly where persons of non-European origin are concerned. In this context, Switzerland provides a particularly striking example of one of the underlying causes of racism and xenophobia, namely the politicization of identity-related tensions derived from the multiculturalization process. This

politicization is an expression of one disturbing reason for the resilience and increase of racism and xenophobia: the existence of political parties with racist and xenophobic platforms that acquire a democratic legitimacy and the ability to implement these platforms as a result of electoral success and the infiltration of such platforms into the programmes of democratic parties. This has a major impact in the form of legislation and policies that approach immigration and asylum issues solely from a security point of view and criminalize immigrants and asylum-seekers, the considerable number of acts of police violence with racist and xenophobic overtones against these groups, and the impunity enjoyed, according to the victims, by the perpetrators. In that respect, on the basis of the testimonies received, the Special Rapporteur notes that most members of foreign communities and national minorities — blacks, nationals of Balkan countries, Travellers, asylum-seekers and Muslims or persons of Muslim culture — experience racism and discrimination on a daily basis and there is an overall atmosphere of xenophobia, a feeling of loneliness within the population in certain regions and a fear of certain institutions, particularly the police. The leaders of the Jewish community also told the Special Rapporteur that they felt concern over the resurgence of anti-Semitism in certain quarters.

53. The recommendations of the Special Rapporteur to the Swiss Government place emphasis on the following main actions: recognizing the dynamic of racism and xenophobia and expressing a firm political will to combat those phenomena, including through opposition to and condemnation of all racist and xenophobic platforms; putting in place the appropriate means, mechanisms and institutions to implement this political will, in particular by drafting comprehensive national legislation and a national programme of action to combat racism and xenophobia; strengthening existing structures to combat racism; establishing a federal commission to promote human rights and to combat all forms of discrimination; maintaining, if not increasing, the resources provided to independent bodies that combat racism; and finally, in parallel with the political and legal strategy, elaborating a cultural and ethical strategy for the long-term construction of a multicultural, democratic, egalitarian and interactive society, based on the recognition and promotion of the cultural, ethnic and religious diversity of society and on the promotion of interaction and reciprocal knowledge among these different communities.

54. The Special Rapporteur took particular note of the keen involvement of civil society, particularly the Federal Commission against Racism, as a major positive factor for change in Swiss society. Profoundly inspired by the traditional humanitarian heritage of Switzerland, its civil society, faced with the relentlessly hostile legislation of certain political parties, demonstrates a daily commitment to the promotion of human rights in general, as well as support and solidarity towards the victims of racism and xenophobia, particularly immigrants, asylum-seekers and foreign communities.

2. Mission to the Russian Federation

55. The Special Rapporteur visited the Russian Federation from 12 to 17 June 2006 with the objective of gathering first-hand information on the situation of racism, racial discrimination and xenophobia in the country, particularly in the light of the many incidents of racist and xenophobic violence reported by human rights organizations and by the national and international press.

56. In his mission report to the Human Rights Council (A/HRC/4/19/Add.3), the Special Rapporteur, having pointed out that there was no official racist policy in the Russian Federation, noted the existence of a deep-seated dynamic of racism and xenophobia in Russian society centred around the following main factors: the upsurge in racist incidents and crimes, including those perpetrated by neo-Nazi groups, in which the degree of violence increasingly leads to killings of non-Slavic persons originating from Africa, Asia, the Arab world, Central Asia and the Caucasus; the extension of this violence to human rights defenders, intellectuals and students engaged in the fight against racism; the existence of a certain measure of impunity enjoyed by the perpetrators of these acts, despite a substantial increase in recent months in prosecutions and convictions for acts motivated by racial hatred; the rise of anti-Semitism and other forms of religious intolerance, in particular Islamophobia; and the existence of certain political parties with racist and xenophobic platforms.

57. These manifestations are fuelled primarily by two important trends. On the one hand, the ideological basis for the rise in racist violence is the ethnic interpretation, by neo-Nazi and extremist groups and some political parties, of the political nationalism promoted by the Russian authorities to fill the ideological void that followed the demise of socialism and internationalism after the collapse of the Soviet Union. On the other hand, the deep social and economic crisis cutting across Russian society provides fertile ground for these racist and xenophobic platforms to spread to the grass-roots level.

58. Among his recommendations to the Government of the Russian Federation, the Special Rapporteur highlights the importance of officially recognizing the existence and increase of racism and xenophobia, and of expressing a strong political will to combat it; the elaboration of a Federation Plan of Action to combat racism and xenophobia, with the democratic participation of all national communities and human rights organizations; the establishment of an independent institution for the promotion and protection of human rights, primarily engaged in combating all forms of discrimination, particularly racial discrimination; the strengthening of the legal and judiciary systems to punish the perpetrators of manifestations and acts of racist violence more effectively; and, in parallel to the legal strategy, the elaboration of a cultural and ethical strategy to eradicate the root causes of racism and to establish a link between efforts to combat racism and xenophobia and the construction of a democratic, egalitarian and interactive multiculturalism.

59. The Special Rapporteur takes note of the statement made during the interactive dialogue by the Russian authorities, who consider that it is an exaggeration for the report to state that Russian society is facing an alarming trend towards racism and xenophobia. However, in the light of the persistence of racist and xenophobic violence, as attested to, among other things, by the recent arrest of the authors of a video showing a real or simulated racist crime, the Special Rapporteur maintains his overall analysis that there is in fact a dynamic of racism and xenophobia in Russian society and he reiterates his conclusions and recommendations. While the Special Rapporteur regrets the Russian authorities' decision — unprecedented in the course of his mandate and his visits to more than a dozen countries — not to make comments on or amendments or factual corrections to his draft report, he would like to be able to continue to have a constructive dialogue with the Russian authorities in order to provide them with his support in combating racism and discrimination.

60. In the opinion of the Special Rapporteur, the increase in racist and xenophobic violence represents the greatest threat not only to the construction of a democratic, egalitarian and interactive multiculturalism, and thus to the ability of ethnically, culturally and religiously diverse communities to live together, but also to the progress of democracy in the Russian Federation. This diversity, which is the legacy of complex historical processes, in the final analysis, is the most profound and lasting source of the internal vitality and external influence of Russian society. Determined political, legal, judicial and cultural efforts to combat the perpetrators and promoters of racist and xenophobic ideology and violence, particularly neo-Nazis, therefore pose a major ethical and political challenge for a society whose communities all suffered considerably in the fight against Nazism.

3. Mission to Italy

61. The Special Rapporteur visited Italy on a mission from 9 to 13 October 2006 in order to assess the situation of racism, racial discrimination and xenophobia, particularly in the light of the current strong migratory pressure and the legislative and political legacy of xenophobia inherited from the racist and xenophobic political platforms that marked the previous Government coalition.

62. In his mission report to the Human Rights Council (A/HRC/4/19/Add.4), the Special Rapporteur noted the new Italian Government's firm commitment to combating racism and xenophobia, as illustrated by the implemented or planned legislative reforms on immigration and citizenship, the efforts to improve the situation of Roma and Sinti communities and for the recognition of those communities, and, finally, a greater sensitivity to multiculturalism. Although racism is not a deeply rooted feature of Italian society, there is a disturbing trend towards xenophobia and an increase in manifestations of racism. These in part stem from the legacy and impact of the policies and programmes of the previous Government coalition, which contained parties that promoted overtly racist and xenophobic platforms. This dynamic is currently being fostered by the persistence of these platforms in certain extreme right-wing parties, particularly at regional and local levels, and it is being strengthened by certain media and political parties that exploit the fears that have arisen both from the current migratory pressure and from the identity crisis facing Italian society as a result of the process of ethnic and religious multiculturalization. These racist manifestations and processes mainly affect the Sinti and Roma communities, immigrants and asylum-seekers — primarily those of African origin but also those from Eastern Europe — and the Muslim community.

63. Among his recommendations to the Italian Government, the Special Rapporteur underlines the need to address the socio-economic inequalities faced by communities discriminated against vis-à-vis the rest of Italian society, and the importance of continuing to express, at the highest national level, a firm political will to combat racial discrimination. He also places emphasis on the importance of adopting a legal strategy for the implementation of existing legislation to combat discrimination; redefining the National Plan of Action put in place following the World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance held in Durban in 2001; reforming the law governing immigration; adopting comprehensive legislation and an overall policy on asylum; and recognizing the Roma and Sinti communities as national minorities. Finally, he recommends the elaboration of a cultural strategy which links the combat against racism with the long-term construction of a democratic, egalitarian and interactive

multiculturalism through the promotion of mutual knowledge and interaction between the different communities. In elaborating a cultural and ethical strategy not only against the pervasiveness of racist and xenophobic platforms but also for the comprehensive eradication of one of the sources of these platforms, particularly in European countries — the identity crisis arising from the contradiction between old national identities and the multiculturalism of societies — the authorities should, in the Special Rapporteur's view, invite the Italian people to recall their history of immigration as well as their geographical and cultural proximity to and long history of interaction with the peoples, cultures and religions of the Mediterranean.

IV. Collaboration with regional organizations

64. Within the framework of cooperation with regional institutions, the Special Rapporteur participated in an expert seminar on regional standards and mechanisms to combat discrimination and protect the rights of minorities, organized on the initiative of the independent expert on minority issues in cooperation with the Office of the United Nations High Commissioner for Human Rights and the Organization of American States and held in Washington on 29 and 30 January 2007. This objective of this seminar, which brought together representatives of Governments, United Nations human rights protection mechanisms, regional intergovernmental institutions and non-governmental organizations, was to undertake a comparative analysis of the different regional laws and instruments that exist to combat racial discrimination and protect minorities, particularly the draft Inter-American convention against racism and all forms of discrimination and intolerance. In his statement, the Special Rapporteur referred to the challenges facing the American continent, historically and geographically the scene of the systematic application of racism as the ideological pillar of the slave system and European colonization, in the fight against racism. The Special Rapporteur wishes to draw attention to the high quality of this initiative, which illustrates the importance of relevant regional bodies in combating racism and the key role that they can play in monitoring and raising awareness about intolerance and discrimination at the regional level.

65. Furthermore, the Special Rapporteur welcomes the increased cooperation with the European Union, particularly with the new European Union Agency for Fundamental Rights, established on 15 February 2007 as a successor to the European Monitoring Centre on Racism and Xenophobia (EUMC). As part of this cooperation, which was initiated with EUMC in 2004, a meeting was held in Vienna on 12 April in order to present the mandate and structure of the new organization and to identify possible new directions for cooperation. While welcoming the broader mandate of the European Union Agency for Fundamental Rights, the Special Rapporteur hopes that the new Agency will continue the work of EUMC under the remarkable leadership of Ms. Beatte Winkler and that it will continue to give high priority to combating racism, xenophobia and related intolerance while also promoting a holistic approach in the fight against all forms of discrimination, as recommended by the Special Rapporteur in his recent reports.

66. Also within the framework of cooperation with European Union institutions, the Special Rapporteur wishes to refer to his meeting with a delegation of 13 members of the European Parliament on 12 June 2007. In this course of this meeting, which provided an opportunity for an exchange of views concerning the impact of institutional reform of the Human Rights Council on the work of the

special procedures and the general increase in racism and xenophobia in the countries of the European Union, the Special Rapporteur underlined the importance of cooperation between the special procedures and regional mechanisms to maximize the impact of initiatives designed to promote and protect human rights. In that regard, he informed the delegation of his cooperation with EUMC and of his intention to increase such cooperation with the new European Union Agency for Fundamental Rights in the future. He also drew the attention of the parliamentarians to a forgotten issue in European construction that is a source of the resurgence of racism and xenophobia: the recognition and promotion of a new European identity expressing the deep-seated ethnic, cultural and religious multiculturalism of their national societies. He sincerely hopes to increase his cooperation with the relevant European institutions, particularly the European Parliament.

67. The Special Rapporteur also wishes to emphasize the high quality of the cooperation that was initiated several years ago with the Organization for Security and Cooperation in Europe (OSCE). This cooperation was strengthened by his participation in the conference held in Bucharest (see para. 42 above).

68. Finally, within the framework of regional cooperation with civil society organizations, the Special Rapporteur would particularly like to applaud the mobilization and the dynamism of the European Network Against Racism (ENAR), a network comprising more than 600 non-governmental organizations whose objectives are to combat discrimination on the grounds of race, ethnicity and culture; to eliminate any racist elements from migration policies in Europe; and to promote ethnic, cultural and religious diversity in the State members of the European Union. On the occasion of the Strategic Congress held in Berlin from 20 to 22 April 2007, the Special Rapporteur took part in a sessions on the challenges of a multi-ethnic Europe and directions for anti-racism in the twenty-first century. While welcoming and encouraging the commitment and the vigilance of ENAR, which reflect the central role of civil society in combating racism, he proposes to strengthen his cooperation with this network, particularly in terms of organizing programmes with civil society during visits to European Union countries.

V. Conclusions and recommendations

69. **The General Assembly is invited to:**

(a) **Draw the attention of Member States to the alarming signs of a retreat in the struggle against racism, racial discrimination and xenophobia as a result of two serious developments: the growing acceptance of racism and xenophobia through the impact of racist and xenophobic platforms on the political programmes of democratic parties and the rise in racist political violence;**

(b) **Remind Member States of the central importance of political will in efforts to combat racism and xenophobia;**

(c) **Draw the attention of Member States to the importance of promoting and implementing the Durban Declaration and Programme of Action, particularly within the framework of the preparations for the Durban Review Conference to be held in 2009;**

(d) Promote the link between the struggle against racism and xenophobia and the recognition and promotion of a democratic, egalitarian and interactive multiculturalism based on two principles: the recognition, respect and expression of ethnic, cultural and religious specificities; and the need to promote interactions and cross-fertilization between the different communities. These two principles are an expression of the dialectic between unity and diversity, which alone guarantees the dynamic balance of a multicultural society and helps to transform identity-related tensions, the sources of discrimination, into harmonious coexistence with respect for diversity;

(e) Draw the attention of Member States to the serious nature of the defamation of religions, and promote the struggle against this by strengthening the role of the United Nations in interreligious, intercultural and intrareligious dialogues based on two policies: the promotion of mutual knowledge and the stimulation of joint actions in favour of peace, development and human rights both domestically and internationally. In the final analysis, the aim should be to shift the interreligious dialogue from theological isolationism to ethics, and thus community values;

(f) Underline, in this context, the compatibility and complementarity of freedom of expression and freedom of religion in the struggle against all forms of racism and discrimination, in the spirit of the International Covenant on Civil and Political Rights, and invite all treaty bodies and relevant international mechanisms to consider the additional provisions needed to strengthen this complementarity;

(g) Encourage international sports organizations, in particular the Fédération Internationale de Football Association (FIFA), to implement and expand their programmes to combat racism in sports, particularly football, and encourage Governments to actively support those programmes;

(h) Recall the urgency and necessity of approaching immigration and asylum issues, which are major sources of the current resurgence of racism and xenophobia, with a view to respecting and protecting immigrants' and asylum-seekers' human rights, as guaranteed by the relevant international instruments, and not solely on the basis of such considerations as security and defence of national identity. In that vein, integration policies should reflect respect for the cultural and religious specificities of immigrants and their capacity to enrich national culture and identity.